

REMARKS

Claims 1-7 are pending in the application. Claims 8-30 have been cancelled.

Claim 1 has been amended herein to clarify applicant's claimed invention. The claim amendments are based on the original specification, for example, Fig. 8, step S63. No new matter is entered.

Applicant's claim calculates accounting quantities, during the process of utilizing the communication service, based on said plurality of accounting methods for the communication service part which has been already received.

In addition these results are displayed while using the communication service.

A simple example is a cost of using a communications service based on a number of packets sent and based upon usage time. Both quantities displayed while and during the continuing use of the communications service. This example is meant to be illustrative only.

Claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 1 has amended to clarify the inherent features of the claim. For example the calculating, instead of being mentioned in the displaying step, has been included in it's own step.

It is respectfully requested the rejection be withdrawn because the three items discussed in the office action have been clarified.

Claims 1, 3 and 7 are rejected as unpatentable over Hillis in view of Leni et al. (Leni) and JP 20000-32174. Kikuchi et al. is further applied under 35 U.S.C. §103(a) to claims 1, 2, 4-6.

In the Office Action the JP 2174 reference is cited as showing real time display of a fee rate of a telephone call while in use. The Office Action points to the Leni to disclose five different pre defining accounting modes that can be selected.

Applicant's claimed invention discloses displaying each calculation result of the accounting quantities. In addition applicant's claim recites calculating accounting quantities based on said plurality of accounting methods for the communication service part which has been already received.

The Office Action points out that Leni is providing a selection of at least five different accounting modes, however Leni selects one of the different accounting mode and does not teach calculating the plurality of accounting methods. (col. 5, lines 43-46).

Also in the ABSTRACT of Leni "The image processing job is completed and accounting data are developed in accordance with the selected one of the plurality of different accounting modes." (emphasis added).

Leni only describes having different accounting modes and selecting one of the modes. In addition nowhere is it suggested that calculating accounting quantities, during the process of utilizing the communication service, based on said plurality of accounting methods for the communication service part which has been already received.

In addition none of the references teach displaying each calculation result of the accounting quantities.

In addition Leni relates to image processing. One skilled in the art would not relate selecting one of accounting in image processing when the image processing job is completed with the real time accounting in a communications service. There is no suggestion in any of the references which would lead one skilled in the art to make such a combination even if all the elements were present, even though they are not.

Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new

combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." In re Rouffet, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference).

Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" In re Dembiscak, 175 F.3d 994, 999 (CAFC 1999).

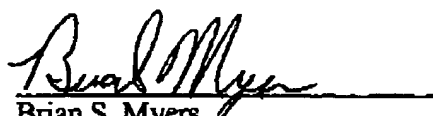
The only such suggestion provided has been from applicant's own disclosure.

For at least the foregoing reasons it is respectfully requested the rejections be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986/8987
Docket No.: FUJY 18.847 (100794-09747)
BSM:rm